

## APPENDIX

## STANDING COMMITTEE REPORTS

The Committee on Revenue and Taxation filed favorable reports on bills as follows:

House Bills Nos. 1, 8, 22, 28 and 34.

## THIRD DAY

(Continued)

(Wednesday, October 23, 1935)

The House met at 9:30 o'clock a. m., and was called to order by Speaker Stevenson.

## MESSAGE FROM THE SENATE

Austin, Texas, October 23, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following:

H. B. No. 27, A bill to be entitled "An Act making an appropriation of the sum of One Hundred Thousand (\$100,000.00) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the per diem of members and the per diem of officers and employees of the Second Called Session of the Forty-fourth Legislature, and declaring an emergency."

Respectfully,

BOB BARKER,  
Secretary of the Senate.

## MESSAGE FROM THE GOVERNOR

The Speaker laid before the House, and had read the following message from the Governor:

Executive Office,

Austin, Texas, October 23, 1935.

To the Members of the Forty-fourth Legislature.

(In Second Called Session):

In view of the progress made in connection with old age pension legislation, I am submitting to you the matter of substituting salaries for fees as provided in the constitutional amendment adopted on August 24th.

I am sure I need not emphasize the importance of action on this subject during this session.

I also submit for your consideration the following matters:

1

House Bill 15, by Knetsch, reducing the period for calling school elections from three weeks to ten days.

I am advised by PWA authorities that more than 150 applications for Federal funds are affected by this requirement. The bill has already passed the House.

2

A bill by Olsen to authorize the Yoakum school district to qualify for Federal funds.

Respectfully submitted,

JAMES V. ALLRED,  
Governor of Texas.

## BILL SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled bill:

H. B. No. 27, "An Act making an appropriation of the sum of One Hundred Thousand (\$100,000.00) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the per diem of members and the per diem of officers and employees of the Second Called Session of the Forty-fourth Legislature, and declaring an emergency."

## HOUSE BILL NO. 26 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as pending business, on its passage to engrossment,

H. B. No. 26, A bill to be entitled "An Act creating a System of Old Age Assistance in Texas; placing restrictions on the granting of such assistance; creating the Texas Old Age Assistance Commission; etc., and declaring an emergency."

The bill having heretofore been read second time, with amendment by Mr. Good and Mr. Calvert and amendment by Mr. Westfall, to the amendment, and substitute amendment, by Mr. Pope, for the amendment by Mr. Westfall, pending.

Mr. Lotief moved to table the substitute amendment by Mr. Pope.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—73

Adkins	James
Aikin	Jefferson
Alsup	Jones of Falls
Ash	Jones of Shelby
Bourne	Knetsch
Bradbury	Lange
Bradford	Lanning
Broyles	Latham
Butler of Karnes	Leath
Cagle	Lindsey
Canon	Lotief
Clayton	Lucas
Collins	Luker
Colquitt	McCalla
Cooper	McConnell
Craddock	McFarland
Davis	McKinney
Dunagan	Morrison
Dunlap of Hays	Newton
Dunlap of Kleberg	Palmer
Fain	Patterson
Farmer	Payne
Ford	Reader
Frazer	Roach of Hunt
Glass	Rogers
Gray	Sessions
Hankamer	Shofner
Hartzog	Smith
Head	Stovall
Herzik	Tennyson
Hodges	Tillery
Hofheinz	Walker
Hoskins	Wood of Harrison
Howard	Wood of Montague
Hunter	Young
Hyder	Youngblood
Jackson	

## Nays—49

Adamson	Greathouse
Alexander	Hanna
Beck	Hardin
Bergman	Harris of Archer
Burton	Harris of Dallas
Butler of Brazos	Hunt
Calvert	Jones of Wise
Crossley	Keefe
Davison of Fisher	King
Dwyer	McKee
England	Moffett
Fisher	Morris
Fox	Nicholson
Good	Petsch
Graves	Pope

Quinn	Settle
Reed of Bowie	Stinson
Reed of Dallas	Tarwater
Riddle	Thornton
Roach of Angelina	Venable
Roane	Waggoner
Roark	Wells
Roberts	Westfall
Russell	Worley
Rutta	

## Absent

Atchison	Hill
Caldwell	Holland
Celaya	Jones of Atascosa
Colson	Lemens
Cowley	Leonard
Daniel	Mauritz
Davisson	Morse
of Eastland	Olsen
Dickison	Padgett
Duvall	Scarborough
Fuchs	Spears
Gibson	Steward

## Absent—Excused

Fitzwater	Moore
Huddleston	Stanfield

Question recurring on the amendment by Mr. Westfall, to the amendment, it was lost.

Mr. Rogers offered the following amendment to the amendment by Mr. Good and Mr. Calvert:

Amend the Good and Calvert amendment by adding thereto the following:

"Provided further, that pro-rata reductions of payments for administrative expenses be made in same ratio as assistance grants may be reduced."

The amendment was adopted.

Mr. Lucas offered the following amendment to the amendment by Mr. Good and Mr. Calvert:

Amend Good and Calvert amendment by striking out all of the amendment beginning with the word "provided."

Mr. Calvert moved to table the amendment by Mr. Lucas.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—98

Adamson	Alsup
Adkins	Ash
Alexander	Atchison

Beck	Jones of Wise
Bergman	Keefe
Bourne	Lange
Bradbury	Lanning
Bradford	Latham
Broyles	Leath
Burton	Lemens
Butler of Brazos	Lindsey
Cagle	McCalla
Calvert	McConnell
Clayton	McFarland
Collins	McKee
Colquitt	McKinney
Cooper	Moffett
Cowley	Morrison
Craddock	Morse
Crossley	Newton
Davis	Olsen
Davison of Fisher	Padgett
Davisson	Palmer
of Eastland	Payne
Dunlap of Hays	Petsch
Dunlap of Kleberg	Pope
England	Reed of Bowie
Fain	Reed of Dallas
Fisher	Roach of Angelina
Ford	Roane
Fox	Roark
Gibson	Roberts
Good	Russell
Graves	Rutta
Gray	Sessions
Greathouse	Settle
Hankamer	Shofner
Hanna	Stinson
Harris of Archer	Stovall
Harris of Dallas	Tarwater
Hartzog	Thornton
Head	Venable
Herzik	Waggoner
Hofheinz	Walker
Holland	Wells
Hunter	Westfall
Hyder	Wood of Harrison
Jackson	Wood of Montague
James	Youngblood
Jones of Falls	

## Nays—27

Aikin	Knetsch
Butler of Karnes	Lotief
Canon	Lucas
Dickison	Luker
Dunagan	Patterson
Farmer	Quinn
Glass	Reader
Hardin	Roach of Hunt
Hodges	Spears
Howard	Steward
Jefferson	Tillery
Jones of Atascosa	Worley
Jones of Shelby	Young
King	

## Absent

Caldwell	Hunt
Celaya	Leonard
Colson	Mauritz
Daniel	Morris
Duvall	Nicholson
Dwyer	Riddle
Frazer	Rogers
Fuchs	Scarborough
Hill	Smith
Hoskins	Tennyson

## Absent—Excused

Fitzwater	Moore
Huddleston	Stanfield

Mr. Davisson of Eastland moved to table the amendment by Mr. Good and Mr. Calvert.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

## Yeas—26

Aikin	Knetsch
Bourne	Lotief
Canon	Lucas
Daniel	Luker
Davisson	Nicholson
of Eastland	Patterson
Dunlap of Hays	Reader
Farmer	Shofner
Glass	Smith
Harris of Dallas	Tillery
Hodges	Walker
Hofheinz	Worley
Jones of Shelby	Youngblood
King	

## Nays—107

Adamson	Cooper
Adkins	Cowley
Alexander	Craddock
Alsup	Crossley
Ash	Davis
Atchison	Davison of Fisher
Beck	Dickison
Bergman	Dunagan
Bradbury	Dwyer
Bradford	England
Broyles	Fain
Burton	Fisher
Butler of Brazos	Ford
Butler of Karnes	Fox
Cagle	Frazer
Caldwell	Fuchs
Calvert	Gibson
Clayton	Good
Collins	Graves
Colquitt	Gray

Greathouse	Newton
Hankamer	Olsen
Hanna	Padgett
Hardin	Payne
Harris of Archer	Petsch
Hartzog	Pope
Head	Quinn
Holland	Reed of Bowie
Hoskins	Reed of Dallas
Howard	Riddle
Hunt	Roach of Angelina
Hunter	Roach of Hunt
Hyder	Roane
Jackson	Roark
James	Roberts
Jefferson	Rogers
Jones of Atascosa	Russell
Jones of Falls	Rutta
Jones of Wise	Sessions
Keefe	Settle
Lange	Steward
Lanning	Stinson
Latham	Stovall
Lemens	Tarwater
Lindsey	Tennyson
Mauritz	Thornton
McCalla	Venable
McConnell	Waggoner
McFarland	Wells
McKee	Westfall
McKinney	Wood of Harrison
Moffett	Wood of Montague
Morris	Young
Morse	

## Absent

Celaya	Leath
Colson	Leonard
Dunlap of Kleberg	Morrison
Duvall	Palmer
Herzik	Scarborough
Hill	Spears

## Absent—Excused

Fitzwater	Moore
Huddleston	Stanfield

Question recurring on the amendment by Mr. Good and Mr. Calvert, as amended, it was adopted.

Mr. Calvert moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Calvert offered an amendment to the bill, which amendment was ordered not printed in the Journal, same being the printed copy of House Bill No. 23, as introduced by Mr. Calvert and Mr. Hofheinz.

Question—Shall the amendment by Mr. Calvert be adopted?

## MESSAGE FROM THE SENATE

Austin, Texas, October 23, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following:

S. B. No. 1, A bill to be entitled "An Act creating a fund for old age assistance; creating a Division of Public Welfare as a part of the Board of Control; granting old age assistance to resident citizens of the State of Texas over the age of 65 years and prescribing the qualifications prerequisite to such assistance; and declaring an emergency."

Respectfully,

BOB BARKER,  
Secretary of the Senate.

SENATE BILL ON FIRST  
READING

The following Senate Bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate Bill No. 1, to the Committee on State Affairs.

## HOUSE BILLS ON FIRST READING

The following House bills, introduced today, (by unanimous consent) were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Farmer:

H. B. No. 51, A bill to be entitled "An Act to provide necessary revenue for old age assistance, such revenue to be obtained from the tax on intoxicating liquors, and license fees for the sale thereof; prescribing rules and regulations for the sale of intoxicating liquors both spiritous, malt and vinous; defining the term 'open saloon'; creating a Board of Liquor Control; etc., and declaring an emergency."

Referred to the Committee on Liquor Traffic.

By Mr. Knetsch, Mr. McKee, Mr. Adkins, Mr. James, Mr. Petsch, Mr. Hodges, Mr. Alsup, Mr. Jones of Wise, Mr. Lindsey, Mr. Nicholson, Mr. Fuchs, Mr. Moffett, Mr. Hankamer and Mr. Gibson:

H. B. No. 52, A bill to be entitled "An Act relating to the compensation of district and designated county officers, and providing the method and means by which such officers shall be compensated for their services; providing for the payment of deputies, assistants and necessary expenditures of said office, fixing the amount of salaries and of fees and commissions to be collected by such officers; etc., and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Olsen:

H. B. No. 53, A bill to be entitled "An Act authorizing the separation or divorcement of public schools from municipal control in certain extended municipal school districts pursuant to an election to be held for that purpose; defining the term 'extended municipal school district' and the term 'Governing Body' of the city or town; prescribing the method of procedure precedent to calling such an election; providing that such election shall be held, as nearly as possible in compliance with law with reference to regular city elections, and prescribing qualifications of voters at such elections; etc., and declaring an emergency."

Referred to the Committee on Education.

By Mr. Dunagan and Mr. Thornton:

H. B. No. 54, A bill to be entitled "An Act to amend Article 2956, Revised Civil Statutes of Texas of 1925 as amended by the Regular Session of the Forty-fourth Legislature, and declaring an emergency."

Referred to the Committee on Privileges, Suffrage and Elections.

By Mr. Pope:

H. B. No. 55, A bill to be entitled "An Act relating to the compensation of certain district, county, and precinct officers and providing the method and means by which such officers shall be compensated for their services; providing for the appointment and payment of deputies, assistants, and clerks in district, county, and precinct offices; limiting the payment of fees and commissions by the State in certain instances; etc., and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Stinson, Mr. Reed of Dallas, Mr. Colquitt, Mr. Collins, Mr. Harris of Dallas and Mr. Hanna:

H. B. No. 56, A bill to be entitled "An Act providing for the compensation of district officers and certain county officers, and under certain conditions to precinct officers, of salaries in lieu of fees, commissions and other compensations; providing that all fees earned by such officers shall be paid into the county treasury of such county for the account of the General Fund of such counties; etc., and declaring an emergency."

Referred to the Committee on Counties.

By Mr. McKinney:

H. B. No. 57, A bill to be entitled "An Act fixing the compensation of District Attorneys in Judicial Districts composed of two or more counties; providing that this Act shall not deprive such District Attorneys of their expense allowance; providing for the disposition of fees; commissions and perquisites earned and collected by such District Attorneys; etc., and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Farmer:

H. B. No. 58, A bill to be entitled "An Act to amend Section 3 of Chapter 241 of the General Laws of the Regular Session of the Forty-fourth Legislature of Texas, providing for allocating two-thirds of the net revenue from the cigarette tax to the Available School Fund and one-third of the net revenue from the cigarette tax to the Old Age Assistance Fund, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Riddle:

H. B. No. 59, A bill to be entitled "An Act fixing the compensation of District Attorneys in Judicial Districts composed of two or more counties; providing that this Act shall not deprive such District Attorneys of their expense allowance; providing for the disposition of fees; commissions and perquisites earned and collected by such District Attorneys; providing that nothing in this Act shall affect the laws now in existence with reference to Assistant District Attor-

neys, investigators and stenographers, and declaring an emergency."

Referred to the Committee on Counties.

Mr. Morse raised a point of order on further consideration of House Bill No. 51, on the ground that the subject matter contained in the bill, has not been submitted by the Governor.

The Speaker sustained the point of order.

Mr. Aikin raised a point of order on further consideration of House Bill No. 58, on the ground that the bill does not raise revenue but only attempts to re-allocate the cigarette tax.

The Speaker overruled the point of order.

### RECESS

On motion of Mr. Dunagan, the House at 12:00 o'clock m., took recess to 2:00 o'clock p. m., today.

### AFTERNOON SESSION

The House met at 2:00 o'clock p. m., and was called to order by the Speaker.

### HOUSE BILL NO. 26 ON PASSAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 26, relative to creating a System of Old Age Assistance in Texas.

The bill having heretofore been read second time, with amendment, by Mr. Calvert, pending.

Mr. Aikin raised a point of order on further consideration of the amendment by Mr. Calvert, on the ground that the amendment is not germane to the bill.

The Speaker sustained the point of order.

Mr. Calvert moved that Section 7 of Rule XX, of the House Rules, be suspended at this time, for the purpose of considering the amendment.

Question recurring on the motion by Mr. Calvert, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—48

Alexander  
Alsup

Butler of Brazos  
Butler of Karnes

Calvert	King
Celaya	Knetsch
Clayton	Leath
Collins	Luker
Cowley	McKinney
Craddock	Morris
Davis	Petsch
Dickison	Pope
Dunagan	Quinn
Duvall	Riddle
Dwyer	Roberts
Fain	Russell
Ford	Settle
Good	Smith
Graves	Spears
Hankamer	Steward
Hanna	Stinson
Hartzog	Tillery
Hunt	Waggoner
Hyder	Walker
Jackson	Westfall
Jones of Atascosa	Wood of Montague

### Nays—87

Adamson	Hoskins
Adkins	Howard
Aikin	Hunter
Ash	James
Beck	Jefferson
Bergman	Jones of Falls
Bourne	Jones of Shelby
Bradbury	Jones of Wise
Bradford	Keefe
Broyles	Lanning
Burton	Latham
Cagle	Lemens
Canon	Lindsey
Colquitt	Lotief
Cooper	Lucas
Crossley	Mauritz
Daniel	McCalla
Davison of Fisher	McConnell
Davisson	McFarland
of Eastland	McKee
Dunlap of Hays	Moffett
England	Morrison
Farmer	Morse
Fisher	Newton
Fox	Nicholson
Frazer	Olsen
Fuchs	Palmer
Gibson	Patterson
Glass	Payne
Gray	Reader
Greathouse	Reed of Bowie
Hardin	Reed of Dallas
Harris of Archer	Roach of Angelina
Harris of Dallas	Roach of Hunt
Head	Roane
Herzik	Roark
Hodges	Rogers
Hofheinz	Rutta
Holland	Sessions

Shofner	Wells
Stovall	Wood of Harrison
Tarwater	Worley
Tennyson	Young
Venable	Youngblood

## Absent

Atchison	Lange
Caldwell	Leonard
Colson	Padgett
Dunlap of Kleberg	Scarborough
Hill	Thornton

## Absent—Excused

Fitzwater	Moore
Huddleston	Stanfield

## REASON FOR VOTE

I voted to suspend the rules on the above amendment because I felt like a tax provision should be included in a pension bill. I did not agree with all the tax provisions, especially the gross receipts provision. I had an amendment on the Speaker's desk which would have removed this provision. I am unalterably opposed to a sales tax, either general or selective.

MORRIS.

Mr. Dunagan moved the previous question on the passage of House Bill No. 26 to engrossment, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The motion was lost by the following vote:

## Yeas—56

Adkins	Frazer
Alsup	Hanna
Bergman	Hardin
Bradbury	Hartzog
Burton	Hofheinz
Butler of Brazos	Holland
Cagle	Hunt
Calvert	Hunter
Clayton	Hyder
Collins	Jackson
Colquitt	James
Cooper	Jones of Falls
Davis	Latham
Davisson	McKinney
of Eastland	Moffett
Dunagan	Morrison
Dunlap of Hays	Newton
Duvall	Olsen
Fisher	Payne
Ford	Petsch
Fox	Reader

Rutta	Tarwater
Sessions	Tillery
Settle	Waggoner
Shofner	Wells
Spears	Westfall
Steward	Worley
Stinson	Youngblood
Stovall	

## Nays—73

Adamson	Keefe
Aikin	King
Alexander	Knetsch
Beck	Lanning
Bourne	Leath
Broyles	Lemens
Butler of Karnes	Lindsey
Canon	Lotief
Celaya	Lucas
Cowley	Luker
Craddock	Mauritz
Daniel	McCalla
Davison of Fisher	McConnell
Dickison	McFarland
Dunlap of Kleberg	McKee
England	Morse
Fain	Nicholson
Farmer	Palmer
Fuchs	Patterson
Gibson	Pope
Glass	Quinn
Good	Reed of Bowie
Graves	Reed of Dallas
Gray	Riddle
Greathouse	Roach of Hunt
Hankamer	Roane
Harris of Archer	Roark
Harris of Dallas	Roberts
Herzik	Russell
Hill	Smith
Hodges	Thornton
Hoskins	Venable
Howard	Walker
Jefferson	Wood of Harrison
Jones of Atascosa	Wood of Montague
Jones of Shelby	Young
Jones of Wise	

## Present—Not Voting

Rogers

## Absent

Ash	Lange
Atchison	Leonard
Bradford	Morris
Caldwell	Padgett
Colson	Roach of Angelina
Crossley	Scarborough
Dwyer	Tennyson
Head	

## Absent—Excused

Fitzwater	Moore
Huddleston	Stanfield

Mr. Reed of Dallas moved that Rule X of the House Rules, which Rule relates to the question of privilege, be suspended during the time of the consideration and passage of House Bill No. 26.

The motion prevailed by the following vote:

Yeas—84

Adamson	Jones of Wise
Adkins	Keefe
Aikin	King
Bergman	Knetsch
Bradford	Lange
Broyles	Lanning
Burton	Latham
Butler of Brazos	Lemens
Butler of Karnes	Lindsey
Cagle	Lotief
Calvert	Luker
Collins	Mauritz
Colquitt	McConnell
Crossley	McFarland
Davisson	McKinney
of Eastland	Moffett
Dickison	Morris
Dunagan	Morrison
Dunlap of Hays	Morse
Duvall	Newton
Dwyer	Padgett
England	Quinn
Fain	Reader
Fisher	Reed of Bowie
Ford	Reed of Dallas
Fox	Roark
Frazer	Rogers
Glass	Russell
Good	Sessions
Gray	Settle
Greathouse	Shofner
Hanna	Smith
Hardin	Spears
Harris of Dallas	Stinson
Head	Tarwater
Herzik	Tillery
Hill	Venable
Holland	Waggoner
Hunt	Wells
Hunter	Westfall
Hyder	Wood of Montague
James	Worley
Jones of Falls	

Nays—37

Alexander	Farmer
Beck	Graves
Bourne	Hankamer
Bradbury	Harris of Archer
Canon	Hodges
Cowley	Hofheinz
Craddock	Hoskins
Daniel	Jackson
Davison of Fisher	Jefferson

Jones of Atascosa	Roach of Hunt
Jones of Shelby	Roane
Lucas	Rutta
McCalla	Stovall
McKee	Thornton
Nicholson	Walker
Olsen	Wood of Harrison
Palmer	Young
Patterson	Youngblood
Pope	

Absent

Alsup	Hartzog
Ash	Howard
Atchison	Leath
Caldwell	Leonard
Celaya	Payne
Clayton	Petsch
Colson	Riddle
Cooper	Roach of Angelina
Davis	Roberts
Dunlap of Kleberg	Scarborough
Fuchs	Steward
Gibson	Tennyson

Absent—Excused

Fitzwater	Moore
Huddleston	Stanfield

Mr. Dunagan moved the previous question on the amendments on the Speaker's desk, and the passage of House Bill No. 26 to engrossment, and the main question was ordered.

Mr. Wood of Harrison offered the following amendment to the bill:

Amend House Bill No. 26 by striking out all of Section 5 on pages 5 and 6 and insert in lieu thereof the following:

"It shall be the duty of the Executive Director of the Texas Old Age Assistance Commission to appoint in the respective counties of the State a Board consisting of five members, three of which shall constitute a quorum and who must be residents of the county for a period of three years preceding his appointment.

"The Board shall consist of the following members, the county judge who shall be and act as chairman, one of which shall be a successful business man, one of which shall be a farmer, one of which shall be a friend to labor; the other member shall be a person of any profession or occupation as the director may deem best.

"It shall be the duty of this Board to hold monthly meetings in some public place of the county for the purpose of hearing and investigating all applications of persons who are



entitled to receive aid under Section 2 of this Act. It shall be the further duty of the Board after said applications have been heard and investigated to either approve or reject same and so advise the Director of the Texas Old Age Assistance Commission. The members of said Board, except the chairman, shall receive as the compensation for service rendered the sum of \$1.00 per day payable out of the General Fund of their respective counties, provided, however, the said Board shall not remain in session over 10 days in any one month.

"It shall be the further duty of the Board to give notice to the press of their respective counties the dates of the meetings at least five days prior to the date of said meeting."

Mr. Farmer offered the following substitute for the amendment by Mr. Wood of Harrison:

Amend House Bill No. 26 as follows:

Strike out Section 5 on page 5 beginning, and substitute therefor these Sections reading as follows:

"Section 5. (a) Citizens claiming such assistance under the terms of this Act shall make application for same in writing and under oath and file the same with the county clerk of his or her county. Such application shall be prepared in triplicate, and all of said copies shall be filed with the county clerk.

"(b) Upon the filing of said application, the county clerk shall docket said cause in a bound book provided for that purpose which shall be known as the 'Old Age Assistance Docket.' Upon filing of said application, the county clerk shall forthwith transmit one of the copies of such application to the county judge of said county, who shall proceed to hear the same within ten (10) days.

"(c) In the event that the county judge is satisfied as to the correctness of the facts set forth in said application and that said application meets the requirements of this Act, he shall endorse his approval on said application and note same upon the 'Old Age Assistance Docket.'

"(d) In the event the county judge is dissatisfied with the application or the facts therein alleged, he shall set same for hearing and shall have authority to subpoena witnesses, to in-

terrogate them, and to make such investigations as to said county judge may seem proper.

"(e) Upon the approval of such application by the county judge as herein set out, the county clerk shall transmit said application, together with the approval of the county judge, to the Texas Old Age Assistance Commission. A certificate of the clerk shall accompany said application and order of approval, and said certificate shall set forth all facts necessary to show that said application is authentic and has been duly approved by the county judge.

"(f) In the event that any application so filed and presented to the county judge is disapproved and rejected by the county judge, such applicant shall be entitled to and shall have an opportunity to present his application on appeal to the Texas Old Age Assistance Commission, who shall give a full and fair hearing to such applicant; and in the event such director finds that the county judge has erred in his conclusions, then such application shall stand approved and shall be placed upon the rolls of those entitled to old age assistance as hereinafter provided. The Texas Old Age Assistance Commission shall have the power and authority to reject any application certified to it, if in its judgment the county judge has erred in his approval.

"(g) Upon receipt of the application, order of approval and certificate as required in subsection (e) hereof, the director shall carefully examine the same, and if found to be correct and in compliance with law, he shall file the same, approve the application, and place the name of such applicant upon the roll of those entitled to old age assistance as provided in this Act. In the event the director finds that said application is defective in any respect or fails to meet the requirements of the law, such application, order of approval and certificate shall be returned to the county clerk transmitting the same. A letter shall accompany such application, order of approval and certificate setting forth wherein same fails to meet such requirements, and same shall be subject to amendment and correction. A copy of such letter shall be sent by the director to the applicant at the address in such application.

"(h) An applicant whose application for relief has been rejected may within thirty days appeal from the decision of the Commission to the district court of the county in which the application was filed by serving a ten days' notice of such appeal upon the executive director, or upon any member of the Commission, in the manner required for service of an original notice. Upon service of such notice, the Commission shall furnish the applicant a copy of the application, a copy of all supporting papers, a transcript of the testimony and a copy of its decision. The court shall hear and determine said application on its merits. The district court may either affirm or reverse the decision of the Commission appealed from, and enter such order as may be proper; and said order and judgment of the district court shall be final. An applicant whose application for relief has been rejected may not re-apply for relief until the expiration of twelve months from the date of the previous application."

FARMER,  
GREATHOUSE,  
FAIN,  
HANNA.

(Mr. Spears in the Chair.)

Question first recurring on the substitute amendment by Mr. Farmer, it was lost.

Question then recurring on the amendment by Mr. Wood of Harrison, it was lost.

Mr. Gray offered the following amendment to the bill:

Amend House Bill No. 26 by striking out Section 3, and inserting in lieu thereof the following:

"Section 3. There is hereby created the office of Commissioner of Old Age Assistance, who shall be a statutory State official and shall be appointed by the Governor by and with the advice and consent of the Senate. Before entering upon the duties of his office, he shall subscribe and execute the constitutional oath of office, which oath shall be filed in the office of the Secretary of State. In addition thereto, such Commissioner shall execute a bond to be approved by the Governor on a form to be prepared by the Attorney General, in the sum of Twenty-five Thousand (\$25,000.00) Dollars, payable to the Governor of the State of Texas, and his successors in office,

the surety on said bond to be a solvent surety company authorized to do business in the State, conditioned on the faithful discharge of his duties as such Commissioner, and one recovery shall not vitiate such bond, but subsequent recoveries may be had until said entire amount has been recovered. Any recovery on said bond shall inure to the benefit of the Old Age Assistance Fund, and the premiums on same shall be paid from such fund. The said Commissioner shall receive an annual salary of Four Thousand (\$4,000.00) Dollars, payable in two equal monthly installments on warrants drawn against such fund by the Comptroller. Such Commissioner shall be at least thirty years of age, a native born citizen of the United States, and a citizen of the State of Texas for at least five years immediately preceding his appointment. He shall hold office under the first appointment until February 1, 1937, and subsequently thereafter, he shall serve for a term of six years.

"Said Commissioner of Old Age Assistance shall be entitled to not exceeding five assistants, who shall be appointed by the Governor by and with the advice and consent of the Senate. Provided that after February 1, 1937, such assistant commissioners shall not exceed three in number. Such assistant commissioners shall possess the same qualifications as the Commissioner, shall take the constitutional oath of office, execute the same bond in the amount and conditioned as that required of the Commissioner. The premium on the bonds shall be paid out of the Old Age Assistance Fund, and any and all recoveries on such bonds shall be for the benefit of said Old Age Assistance Fund. Said assistant commissioners shall receive an annual salary each of Thirty-six Hundred (\$3600.00) Dollars, payable in twelve equal monthly installments on warrants drawn by the State Comptroller.

"From and after February 1st, 1937, said assistant commissioners shall hold office for a term of six years, with the qualification that one of said commissioners after said date shall hold office for two years, one for four years and one for six years, such terms to be determined by the Governor upon the appointment of said assistant commissioners.

"The said Commissioner and said assistant commissioners shall maintain their offices at Austin, Texas in the Capitol building or in such other places as may be designated by the State Board of Control. Said Commissioner and his assistants shall have the right to employ, subject to approval of the Board of Control, all necessary secretaries, stenographers, bookkeepers and clerks, and shall have all necessary office equipment and supplies as may be reasonably required and approved by said State Board of Control. The Governor is further authorized to appoint a chief auditor at a salary of not exceeding Four Thousand (\$4,000.00) Dollars per year, and such additional auditors as may be reasonably necessary at a salary of not exceeding Thirty-six Hundred (\$3600.00) Dollars per year to audit the books and accounts of this department, said salaries to be payable in twelve equal monthly installments out of said Old Age Assistance Fund. Each of said auditors and assistants shall likewise be required to execute a good and sufficient bond in the sum of Ten Thousand (\$10,000.00) Dollars, payable to the Governor of the State of Texas, signed by some solvent surety company authorized to do business in the State of Texas, conditioned as in the case of bonds for commissioner and assistant commissioners and subject to the same qualifications. The premium on said bonds shall be payable out of the Old Age Assistants Fund."

GRAY,  
WOOD of Montague,  
VENABLE.

The amendment was adopted.

Mr. Farmer offered the following amendment to the amendment by Mr. Gray:

Amend Gray amendment to House Bill No. 26, as follows:

Add after the word "assistant" in line 4, page 2, these words:

"one of whom shall be a woman."

The amendment was lost.

Mr. Gray offered the following amendment to the bill:

Amend House Bill No. 26, page 5 of the printed bill by striking out all of "Section 4."

GRAY,  
VENABLE,  
WOOD of Montague.

The amendment was adopted.

Mr. Gray offered the following amendment to the bill:

Amend House Bill No. 26, pages 5 and 6 of the printed bill by striking out all of "Section 5."

GRAY,  
VENABLE,  
WOOD of Montague,  
HANNA,  
ROANE,  
FOX.

The amendment was adopted.

Mr. Gray offered the following amendments to the bill:

Amend House Bill No. 26, by striking out the words "Texas Old Age Assistance Commission," "executive director," and all other inconsistent terms and inserting in lieu thereof the words "Commissioner of Old Age Assistance."

GRAY,  
VENABLE,  
WOOD of Montague.

Amend House Bill No. 26, page 6 of the printed bill by striking out lines 28 to 36, inclusive, and inserting in lieu thereof the following:

"Section 6. Any person over the age of sixty-five years may present or mail an application in writing for an old age assistance to the Commissioner of Old Age Assistance at Austin, Texas. Such application shall be upon forms prescribed by said Commissioner, shall be duly sworn to before some officer authorized by the laws of this State to administer oaths and using a seal and shall contain the following additional information":

GRAY,  
VENABLE,  
WOOD of Montague.

Amend House Bill No. 26, by striking out all of Section 7, and inserting in lieu thereof the following:

"Upon the filing of such application with the Commissioner of Old Age Assistance, the same shall be carefully checked to determine whether such application is in compliance with law and said Commissioner and his assistants shall determine whether or not such applicant is entitled to such old age assistance. If such application be approved, such applicant shall be placed on the old age assistance rolls and receive such assistance from and after the first day of the succeeding month. If such application be re-

jected, and the applicant be not satisfied with such decision, such applicant shall have the right to a rehearing in person or by attorney, or both, or by filing additional proof supported by affidavits of credible witnesses. Said Commissioner shall likewise be empowered to call upon the county judge of the county where such applicant resides for verification of any material fact in said application or for information material to a determination of such cause, which verification or information such county judge shall furnish forthwith. If, upon such rehearing, such application be again rejected, such action shall be final unless the Commissioner shall for good cause shown again re-open such cause."

GRAY,  
VENABLE,  
WOOD of Montague.

The amendments were severally adopted.

Mr. Lotief offered the following amendment to the bill:

Amend House Bill No. 26, page 2, line 31, by striking out the words and figures "\$4,000.00" and insert in lieu thereof the words and figures "\$9,000.00."

Mr. McConnell offered the following substitute for the amendment by Mr. Lotief:

Amend House Bill No. 26, by striking out division "g" of Section 2, same being lines 30, 31 and 32, and insert the following:

"(g) Does not own property, real, personal, or mixed in excess of \$4,000.00 against which there is no indebtedness. Or does own property in excess of \$4,000.00 against which there is indebtedness in the form of mortgages, tax liens, and/or other liens but does not own as equity therein exceeding in value \$8,000.00."

The substitute amendment was lost.

Mr. Harris of Archer offered the following substitute for the amendment by Mr. Lotief:

Substitute for amendment to House Bill No. 26, page 2, Section 2, by striking out all of paragraph "G" and inserting in lieu thereof the following:

"That the net value, less all incumbrances and liens of all real and personal property of such person, does not exceed Four Thousand (\$4,000.00) Dollars; or if married the net value

of all the combined property of husband and wife does not exceed Five Thousand (\$5,000.00) Dollars."

The substitute amendment was adopted.

Mr. Knetsch offered the following substitute for the amendment by Mr. Lotief as substituted by amendment by Mr. Harris of Archer:

Substitute for amendment to House Bill No. 26, by striking out all of sub-section "G" and insert in lieu thereof the following:

"Does not own property, real, personal or mixed, in excess of One Thousand (\$1,000.00) Dollars exclusive of residence homestead."

The substitute amendment by Mr. Knetsch was lost.

The amendment, as substituted, was then adopted.

Mr. Broyles moved that Section 8 of Rule XIV of the House Rules be suspended, at this time, for the purpose of making a motion to reconsider the vote by which the main question was ordered.

The motion was lost.

Mr. Davisson of Eastland offered the following amendment to the bill:

Amend House Bill No. 26, page 2, line 29, by changing the words and figures from "\$500.00" to "\$1,000.00."

The amendment was adopted.

Mr. Harris of Dallas offered the following amendment to the bill:

Amend House Bill No. 26 by striking out all of line 8, in Section 8, page 9, after the word "however" and all of lines 9 and 10, and inserting in lieu thereof the following "that the State shall contribute one-half of the amount granted each applicant and the Federal government may contribute a like sum."

HARRIS of Dallas,  
CALVERT.

The amendment was adopted.

Mr. Calvert moved that Sections 6 and 8 of Rule XIV of the House Rules be suspended at this time, in order that motions to adjourn or recess may be made.

The motion prevailed.

Question—Shall House Bill No. 26 pass to engrossment?

## RECESS

Mr. Calvert moved that the House recess to 9:30 o'clock a. m., tomorrow.

Mr. Lotief moved that the House recess too 9:00 o'clock a. m., tomorrow.

Question recurring on the motion by Mr. Calvert, it prevailed, and the House, accordingly, at 5:30 o'clock p. m., took recess to 9:30 o'clock a. m., tomorrow.

## APPENDIX

## STANDING COMMITTEE REPORT

The Committee on Counties filed a favorable report on House Bill No. 57.

## REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,  
Austin, Texas, October 23, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 27, "An Act making an appropriation of the sum of One Hundred Thousand (\$100,000.00) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the per diem of members and the per diem of officers and employes of the Second Called Session of the Forty-fourth Legislature, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

## THIRD DAY

(Continued)

(Thursday, October 24, 1935)

The House met at 9:30 o'clock a. m., and was called to order by Speaker Stevenson.

## EXPRESSING APPRECIATION TO THE MEMBERS OF THE HOUSE

The Speaker laid before the House and had read the following communication:

Oglesby, Texas, October 22, 1935.

To the Members of the House of Representatives:

I wish to express to you my deepest appreciation for the beautiful floral

offering which I received today. I shall ever remember each of you as my friend and wish for you the best of success in life.

I am getting along fine and am anxious to get back with you, am hoping that I may soon.

Sincerely,

EARL HUDDLESTON.

## HOUSE BILL NO. 26 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as pending business, on its passage to engrossment,

H. B. No. 26, A bill to be entitled "An Act creating a System of Old Age Assistance in Texas; placing restrictions on the granting of such assistance; creating the Texas Old Age Assistance Commisison; etc., and declaring an emergency."

The bill having heretofore been read second time.

Mr. Nicholson offered the following amendment to the bill:

Amend House Bill No. 26, page 11, Section No. 11a, lines 23 to 26, inclusive, by striking out all the printed language of said lines, and insert in lieu thereof the following:

"All grants of assistance or aid from the Federal government and its agencies, save for old age assistance grants pursuing under the Federal Government Social Security Act, and all grants of assistance or aid by all other governmental units and all grants of assistance or aid by privately owned and/or operated relief and/or aid units, shall be construed to be income in establishing eligibility for old age assistance under the provisions of this Act; provided that all such grants of assistance or aid as allowed in any other form than in currency shall be calculated and considered at the fair monetary value thereof."

The amendment was lost.

Mr. Nicholson offered the following amendment to the bill:

Amend House Bill No. 26, page No. 9, Section No. 8, line No. 18, by inserting the following language after the word "year":

"And/or for such period of time during said year as there is continuity of eligibility under the provisions of Section No. 2, of this Act."

The amendment was lost.